

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In Re the matter of U.S. Telecom Long Distance, Inc.'s proposed tariff to add a new intrastate connection fee to recover costs charged be local telephone companies.)	<u>Case No. XT-2003-0256</u>
)	Tariff No. JX-2003-1319
)	

**U.S. TELECOM LONG DISTANCE, INC.'S RESPONSE IN OPPOSITION
TO OFFICE OF THE PUBLIC COUNSEL'S MOTION TO SUSPEND
TARIFF AND FOR EVIDENTIARY AND PUBLIC HEARINGS**

COMES NOW U.S. Telecom Long Distance, Inc. ("U.S. Telecom"), pursuant to Commission Rule 4 CSR 240-2.050(3)(B) and its Motion for Leave to File Response Out of Time filed concurrently herewith, and for its Response in Opposition respectfully states as follows:

1. On January 29, 2003, the Office of the Public Counsel filed a Motion to Suspend Tariff and for Evidentiary and Public Hearings, requesting the Commission to suspend U.S. Telecom's tariff sheet of January 9, 2003, with an effective date of February 10, 2003, introducing a \$1.95 monthly service charge, or "Intrastate Connection Fee."

2. On January 30, 2003, the Commission required the Staff and U.S. Telecom to file responses to the Office of Public Counsel's Motion no later than February 3, 2003. As set forth in its Motion for Leave to File Response Out of Time, filed concurrently herewith, U.S. Telecom sets forth good cause for the Commission to accept this Response beyond the February 3, 2003 date.

3. Staff filed its Response on February 3, 2003, and in light of the short time in which the Commission has to act on this matter, U.S. Telecom will simply endorse and incorporate by reference the statements, allegations and authority cited as contained in Staff's Response. Simply put, with over 500 long distance companies currently holding Commission certificates to provide service in Missouri, U.S. Telecom is a competitively classified company proposing a monthly recurring service charge similar to that already approved by the Commission (Case Nos. TT-2002-129, TT-2002-1136 and XT-2003-0047) and, as stated by Staff, "U.S. Telecom should not be singled out for special treatment by the Commission or the Office of the Public Counsel based on this tariff filing." ¹

Respectfully submitted,


James M. Fischer, Esq. MBN 27543
e-mail: jfischerpc@aol.com
Larry W. Dority, Esq. MBN 25617
e-mail: lwdority@sprintmail.com
FISCHER & DORITY, P.C.
101 Madison Street, Suite 400
Jefferson City, Missouri 65101
Telephone: (573) 636-6758
Facsimile: (573) 636-0383

Attorneys for U.S. Telecom Long
Distance, Inc.

¹ Staff's Response at 3.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or e-mailed to all counsel of record this 5th day of February, 2003.


